

### **REMARKS**

Claims 1-16, 19-26, 33-38 and 41-51 (41 total claims; 7 independent claims) remain pending in the application. Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks.

#### **Section 112 Rejection**

##### **Claims 1, 7, 14, 26, 44 and 47**

Claims 1, 7, 14, 26, 44 and 47 are rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. It is alleged that the amendment to the claims made in the Amendment filed January 23, 2008 that included the claim limitation “establishing a group call between the first user and the group after the group is validated and the first user receives the group identification” is not supported by the Specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. The Office Action highlights the terms “the group is validated” thereby implying that that this term is not supported by the Specification. Applicants respectfully traverse this rejection and points to FIG. 6 and the accompanying text in the Specification, page 11 line 19 to page 12 line 29, as adequate support. These sections of the Specification describe that that the call is launched after the validation. Applicants respectfully submit that describing the call as being launched is equivalent to establishing the call. In addition, Applicants note that any discussion of establishing, or launching, the call in the Specification, comes after the full description of validating the group as required by the claims. This arrangement makes clear that the validating the group comes before the group call is established. In view of the foregoing, it is respectfully submitted that the independent claims are fully supported by the Specification. Applicants therefore request that the rejection under Section 112, first paragraph, be withdrawn.

#### **Art-Based Rejections**

##### **Claims 1-6, 7-17, 44-46 and 47-51**

Claims 1-6, 7-17, 44-46 and 47-51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,999,783 to Toyryla et al. in view of United States Patent Application Publication No. 2004/0082352 A1 to Keating et al. and further in view of

United States Patent No. 6,600,928 to Ahya et al. Applicants have reviewed the Final Office Action and the cited references and respectfully traverse the rejection. Applicants have previously described the present invention, the claims and the patentable distinctions between them and the cited references of Toyryla and Keating references. Those statements are incorporated into this response. Applicants respectfully submit that the citation to Ahya does not overcome the deficiencies of Toyryla and Keating and the cited combination does not disclose that the calls are established after validation of the group by the network and after receiving the group identifier.

Ahya is directed to a user who desires to establish a temporary talk group that first requests a temporary group identifier, then the user specifies the talk group membership and a validity period. The temporary talk group can be set up using a mobile communication device, or by use of a computer which connects with a service provider's server over the Internet. The Final Office Action cites the Ahya's column 2, lines 11-18 and column 3, line 59 to column 4, line 3. These sections state that temporary talk group can be created with a defined time-to-live parameter. The mobile station interacts with the DAP to create the temporary talk groups and the talk group list is stored at the DAP. The mobile station request temporary talk group and the DAP checks the HLR to validate user permissions and profiles, assigns temporary group IDs and sends the IDs to the requester. The mobile station creates temporary talk group lists and time-to-live parameters. Each user record is updated to indicate their assignment to the temporary group ID, and each mobile station in the group is sent a message indicating the group ID and the membership list. Any member in the talk group can then initiate a group call in manner used to set up a simplex call.

Each of these citations in Ahya discusses the creation of the temporary group identifier and how long the temporary group identifier will be active. None of these sections describe when the temporary group identifier is create relative to the establishment of the call and in particular before the call is established and the first user receives the group identification as required by the claims. In other words, the cited sections of Ahya imply that the temporary group identifier is created as a part of the call establishment.

While there are similarities between the claimed invention and Ahya, there are important differences. The present invention reduces call setup time by including provisions for member transmission to the infrastructure while the group is being created. At the time the

group originator determines the group is complete and indicates such to the network, the members are known in the infrastructure. At this time the infrastructure is considered to have validated the members of the group. The key infrastructure functions for validation are considered to be (1) valid and known user or group, (2) feature capability for group call and (3) current registration state is known and if registered the member's current registration zone. The group call is considered to be in an advanced state of setup at this point in time with membership and validation. For members that are currently registered paging procedure to connect to the network can commence.

In view of the foregoing, it is respectfully submitted that the combination of Toyryla, Keating and Ahya does not disclose, teach or otherwise suggest the steps of the present invention. Applicants therefore respectfully submit that cited combination does not anticipate claims 1, 7, 44 and 47 and 47. As claims 2-6, 8-17, 45-46 and 48-51 depend upon and include the limitations of claims 1, 7, 44 and 47 respectively, Applicants respectfully submit that the dependent claims are patentable over Toyryla, Keating and Ahya for the same reasons. Applicants request that the rejection under Section 103(a) be withdrawn.

#### **Claims 14-16 and 23-25**

Claims 14-16 and 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyryla, Keating and Ahya and further in view of United States Patent No. 6,999,783 to Fister et al. Independent claim 14 includes the step of establishing a group call between the first user and the second users after the dynamic group list is validated and determining whether a dynamic group call identifier is available. Applicants respectfully submit that Fister also does not disclose, teach nor otherwise suggest the establishing step as required by the claim. In view of the foregoing, it is respectfully submitted that the combination of Toyryla, Keating, Ahya and Fister does not disclose, teach or otherwise suggest the claimed elements. Applicants therefore respectfully submit that independent claim 14 is patentable over the cited combination. As claims 15-16 and 23-25 depend upon and include the limitations of claim 14, Applicants respectfully submit that these dependent claims are patentable for same reasons given above. Applicants request that this rejection under Section 103(a) be withdrawn.

#### **Claims 21-22**

Claims 21-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyryla and Fister and further in view of United States Patent Application Publication No. 2004/0198376 to Chandhok et al. Applicants respectfully submit Chandhok also does not disclose the limitations that Toyryla and Fister do not disclose for the reasons given in Applicants' last Amendment. For this reason and as claims 21-22 depend upon claim 14, Applicants respectfully submit that these dependent claims are patentable over the cited combination for the reasons given above. Applicants request that this rejection under Section 103(a) be withdrawn.

**Claim 26**

Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla in view of United States Patent No. 6,600,928 to Ahya et al. and further in view of Chandhok et al. Claim 26 includes the limitations regarding that the group call is started after the group is validated similar to the amendments to claims 1, 7, 14, 44 and 47. None of the cited references disclose this step as described above. In view of the foregoing, Applicants respectfully submit that the combination of Toyryla, Ahya and Chandhok does not disclose, teach or otherwise suggest all the claim limitations of claim 26. It is therefore respectfully submitted that claim 26 is patentable over the cited combination. Applicants request that this rejection under Section 103(a) be withdrawn.

**Claims 33-38 and 41-43**

Claims 33-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyryla and Ahya and further in view of Chandhok and claims 36-38 and 41-43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla, Ahya and Chandhok and further in view of United States Patent No. 5,513,381 to Sasuta. Claim 33 indicates that the network validates the group call identifier and that the group call is initiated after validation, which is similar to the other independent claims. None of the cited references disclose this step. In view of the arguments given above, Applicants respectfully submit claim 33 is patentable over the cited combination of Toyryla, Ahya, Chandhok and Sasuta. As claims 34-38 and 41-43 depend upon and include the limitations of independent claim 33, Applicants respectfully submit that these

dependent claims are patentable over the cited references. Applicants request that this rejection under Section 103(a) be withdrawn.

**Conclusion**

As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to **50-2117**.

Respectfully submitted,  
Oxley, Derek A. et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.  
Law Department

Customer Number: **22917**

By: /Simon B. Anolick/  
Simon B. Anolick  
Attorney for Applicant  
Registration No.: 37,585  
Telephone: 847-576-4234  
Fax: 847-576-3750